



Development Services Department Planning Division Report to the ZONING BOARD OF APPEALS

Date of Meeting: February 2, 2010

DATE OF REPORT: January 5, 2010
ADDRESS: 100 Bloomfield Avenue
APPLICANT: Chabad Chevra, LLC
ZONE: R-8
REQUEST: Appeal from Cease and Desist
PREPARED BY: Stephanie Krueel, Principal Planner
REVIEWED BY: Roger J. O'Brien, Director of Planning

The owner of record of 100 Bloomfield Avenue was issued a Cease and Desist order on October 12, 2009 for the following violations:

1. Change of use from non-profit administrative offices to residential without a zoning permit
2. Expansion of a non-conforming use: conversion from non-profit administrative offices for daytime use with 11 parking spaces to a student center providing non-residential services where such use is not permitted
3. Expansion of a non-conforming use to religious services for non-employees of building where such use is not permitted
4. Expansion of a non-conforming use to affiliation with university student activities *university use) where such use is not permitted
5. Creation of a mixed use residential and university student center where such use is not permitted

On November 10, 2009 the owner filed an Application for Appeal From Decision of Zoning Administrator stating that "the premises are continuing to be used as a religious facility for religious services and accessory uses for administration, meetings, study and as a parsonage." Attached was a notice of appeal dated October 29, 2009 that stated that:

1. The use activities are permitted in this R-8 zone based on the prior uses of the property; and
2. This is not a student center; and
3. It is not an expansion of the alleged non-conforming uses; and
4. The property is in a zone in which a church is a permitted use and the right to conduct religious services is a permitted use.

Current Use

On August 24, 2009, Lubavitch.com published an article titled "Chabad's Homecoming At University of Hartford" which discussed the purchase of 100 Bloomfield Avenue to create a student-supported Chabad center. Planned improvements to the building include "a large synagogue, modern kitchen and dining hall, classrooms, and bedrooms." The article goes on to explain that "the building will be open, day and night, from the start of the 09-10 scholastic year." This description clearly depicts a student center with a dormitory.

Dormitory Use

"Sec 889. Dormitory or residence hall" states that these are a permitted use in the R-8 district subject to conditions, one of which is that they are permitted only on the campus of a college or university. 100 Bloomfield Avenue is not on the campus of a college or university, therefore dormitories are not a permitted use at this location.

Former Church Use

"Sec 885. Churches, synagogues and temples" states: "In the R-7 and R-8 districts, only existing churches, synagogues and temples are a permitted use, and any addition to or expansion of such churches, synagogues or temples or their accessory parking facilities shall not be permitted." According to the website of the American Baptist Churches of Connecticut (www.abcconn.org), in 2009 they moved their offices from 100 Bloomfield Avenue to 90A North Main Street in West Hartford, which indicates that the premises had been used as offices since 1958. 100 Bloomfield Avenue has never been used as a church, therefore a church, synagogue or temple is not a permitted use at this site.